

REMARKS/ARGUMENTS

Claims 57-82 are pending. By this Amendment, claim 57 is amended, and new claims 68-82 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicant appreciates the courtesies extended by Examiner Madsen to Applicant's representative during a telephone conference conducted on August 17, 2005. During the telephone interview, it was agreed that the amendment to claim 57 herein would distinguish over Astegno et al., at least in terms of 35 U.S.C. §102, subject to further review and consideration, for the reasons discussed herein.

In the Office Action, claims 57, 59 and 62 were rejected under 35 U.S.C. §102(a) over Astegno et al. (WO 98/36670). This rejection is respectfully traversed.

Claim 57 is directed to a method blending food product in a container in which the container is charged with food product and cooled to a storage temperature, the container is fitted with a blending element located in the container, a closure member is applied to the top of the container to seal the container, the container, with the food product contained therein, is removed from cooled storage and is located in a blending location within a microwave enclosure, the food product is subjected to microwave energy to heat the food product and bring the food product from the storage temperature to a temperature at which it may be blended at said blending location, the blending element is releasably located in driving engagement with a drive motor external to the enclosure and extend through and adjacent to the closure member, the food product is blended in the container at said blending location within said microwave enclosure after heating up the food product, and the blended food product is dispensed from the container.

Astegno et al. does not teach or suggest this subject matter. In particular, Astegno et al. is wholly concerned with the construction of the blending jug-type container shown in the figures. Although it is stated that the container is made of any material permitting its use even in a microwave oven (per column 3, lines 60-65), there is no suggestion of a method in which the food product is blended in the container at a blending location within a microwave enclosure, as recited in claim 57. As tentatively agreed during the interview, Astegno et al. does not teach or suggest that blending occurs within a microwave enclosure.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 58, 61 and 64 were rejected under 35 U.S.C. §103(a) over Astegno et al. in view of Boulard (U.S. Patent No. 4,937,418). In addition, claims 60 and 65 were rejected under 35 U.S.C. §103(a) over Astegno et al. in view of Schulze (DE 3930337A). Further, claims 63 and 66 were rejected under 35 U.S.C. §103(a) over Astegno et al. in view of Levinson et al. (U.S. Patent No. 5,925,394) and Woodman (U.S. Patent No. 2,760,762), respectively. Finally, claim 67 was rejected under 35 U.S.C. §103(a) over Astegno et al. These rejections are traversed at least for the reason that these claims depend from allowable claim 57, which is distinguishable over Astegno et al. for the reasons described above.

Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 68-82 are presented for the Examiner's consideration.

In view of the above amendments and remarks, Applicant respectfully submits that all the claims are patentable and that the entire application is in condition for allowance.

McGILL
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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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